

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
NOVEMBER 17, 2009
7:05 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Bennett approving the Council Consent Agenda with the exceptions of Item IV.F., Traffic Safety Report of November 4, 2009, and Item IV.L., Consider a Revised Building Elevation for Hellmuth & Johnson Law Office at 8050 West 78th Street.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

2009 OUTSTANDING PROJECT AWARD PRESENTED Mayor Hovland announced the City received the 2009 Outstanding Project Award from the Minnesota Community Education Association for the Edina Institute for Positive Aging project that was undertaken with the school district.

STUDENTS AND BOY SCOUTS RECOGNIZED Mayor Hovland recognized Valley View Middle School students in attendance as part of their government current events class. He also recognized members of Bloomington Boy Scout Troop 175 who were in attendance for their merit badge.

***MINUTES APPROVED – REGULAR MEETING OF NOVEMBER 2, 2009, AND WORK SESSION OF NOVEMBER 2, 2009** Motion made by Member Swenson and seconded by Member Bennett approving the minutes of the Regular Meeting of November 2, 2009, and Work Session of November 2, 2009.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARINGS HELD – LIQUOR FEES APPROVED Affidavits of Notice presented and ordered placed on file.

Manager Hughes presented staff's recommendation to increase the 2010 license fees for on-sale beer and off-sale beer from \$626 to \$645, and temporary beer licenses from \$85 per event to \$87 per event. He explained the Council would hold the public hearing and listen to any public testimony, then consider an ordinance increasing the fees at the December 1, 2009, meeting. City Clerk Mangen noted several of the liquor license fees that were limited by State statute but it was staff's recommendation to increase on-sale and off-sale beer and temporary beer licenses incrementally annually to keep pace with the City's increased costs for administration and enforcement.

Mayor Hovland opened the public hearing at 7:17 p.m.

Public Testimony

No one appeared to comment.

Member Housh made a motion, seconded by Member Bennett, to close the public hearing. It was noted that staff would prepare the necessary ordinance for the proposed fee increase to be considered at the Council's December 1, 2009, meeting.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***AWARD OF BID – BRAEMAR ARENA PREVENTATIVE MAINTENANCE CONTRACT** Motion made by Member Swenson and seconded by Member Bennett awarding the bid for preventative maintenance contract, Braemar Arena, to the recommended low bidder, Cool Air Mechanical, Inc. at \$35,500.00.

Minutes/Edina City Council/November 17, 2009

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – BELOW GRADE WATERPROOFING – PUBLIC WORKS FACILITY** Motion made by Member Swenson and seconded by Member Bennett awarding the bid for below grade Edina Public Works building: sheet waterproofing, and fluid applied waterproofing, Improvement No. PW-1 to the recommended low bidder, SPS Infrastructure at \$17,500.00.

Motion carried on rollcall vote – five ayes.

PUBLIC WORKS SITE PROCESS CONSIDERED Assistant City Manager Worthington stated staff was seeking direction on the future of the Public Works site located on Eden Avenue. Staff had recommended a process that included involvement by a design team, staff advisory team, and public testimony. It was noted that Planning Commission Chair Fisher was not available to make a public presentation tonight. The Council discussed the timing, noting Council consensus had been previously reached to support the recommended process. It was indicated that staff had prepared a two-sided spreadsheet detailing the process, and the Council desired to obtain public input during the next two weeks. Following further discussion, Council consensus was reached to table consideration to the December 1, 2009, Council meeting when Chair Fisher would make a presentation, to direct staff to post the spreadsheet on the City's website, to make copies available at the libraries and City Hall, and to accept public input until the December 1, 2009 meeting.

ORDINANCE NO. 2009-12 TABLED – AMENDING SECTION 850 TO REQUIRE A CONDITIONAL USE PERMIT FOR ACCESSORY BUILDINGS OVER 1,000 SQUARE FEET Planning Director Teague presented staff's recommendation to approve second reading of an ordinance amendment to require a conditional use permit (CUP) for accessory buildings over 1,000 square feet. He noted the locations of existing accessory buildings and advised the revisions requested by the Council at first reading had been incorporated. Mr. Teague suggested a larger setback only for accessory buildings larger than 1,000 square feet and to allow flexibility for smaller accessory buildings at a 50-foot setback. It was noted the Planning Commission had recommended a 75-foot setback without regard to building size.

The Council discussed its preferred setback distance and desire to balance the interests of residents and businesses. In addition, the Council considered its recent approval of the Interlachen maintenance building that incorporated a 95-foot setback. Mr. Teague explained that under a CUP consideration, a larger setback could be required if rationale existed to do so.

Member Swenson made a motion, seconded by Member Brindle, directing staff to amend proposed Ordinance No. 2009-12, Section 4 chart and Section 850.11, Subdivision 2, to require a 95-foot setback for accessory buildings larger than 1,000 square feet and a 50-foot setback for smaller accessory buildings, and present it for consideration at the December 1, 2009, meeting.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2009-92 ADOPTED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Swenson introduced and moved adoption of Resolution No. 2009-92 accepting various donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2009-96 ADOPTED – ACCEPTING MINNESOTA DEPARTMENT OF PUBLIC SAFETY “NIGHTCAP” GRANT AND AUTHORIZING MAYOR AND CITY MANAGER TO EXECUTE GRANT AGREEMENT** Motion made by Member Swenson and seconded by Member Bennett to adopt Resolution No. 2009-96 authorizing execution of agreement for an Operation

“NightCAP” grant with the Minnesota Department of Public Safety from October 1, 2009 to September 30, 2010.

Motion carried on rollcall vote – five ayes.

***ENCROACHMENT AGREEMENT SHERWOOD PARK** Motion made by Member Swenson and seconded by Member Bennett to approve the encroachment agreement that permits Grandview Square III Condominiums to install, operate, and maintain an underground irrigation system at their expense along the north edge of Sherwood Park.

Motion carried on rollcall vote – five ayes.

TRAFFIC SAFETY REPORT OF NOVEMBER 4, 2009 CONSIDERED The Council discussed that in October, staff had indicated the request for “No Parking/Stopping/Standing” signs on Grimes Avenue at the intersection of Inglewood Avenue south to the entrance to Weber Park (recommendation 8) would be evaluated after winter conditions. Public Works Director Houle suggested this be considered after several snow events to determine what should be recommended. **Member Swenson made a motion, seconded by Member Bennett, to accept the traffic safety report of Wednesday, November 4, 2009, recommendations 1-7, with recommendation 8 being considered at a future date.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

CHANGE ORDER NO. 1 FOR CONTRACT 4H APPROVED – CONCRETE FOUNDATIONS – PUBLIC WORKS BUILDING Mr. Houle presented a recommendation to authorize a change order for an additional retaining wall at the new Edina Public Works building, which was not included in the bid packages. The cost of the prefabricated retaining wall was \$20,204, increasing the contract amount with DayCo Concrete Company more than ten percent; therefore, requiring City Council approval. Mr. Houle presented a progress update on the construction of the new Public Works building. **Member Housh made a motion, seconded by Member Swenson, to authorize Change Order No. 1 for Group 4H, Concrete Foundations, Edina Public Works Building, in the amount of \$20,204.00.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2009-97 ADOPTED – CALLING A PUBLIC HEARING DECEMBER 15, 2009 FOR BA-367 WEST 70TH STREET ROADWAY IMPROVEMENTS AND BA-360 PAMELA PARK NEIGHBORHOOD ROADWAY IMPROVEMENTS** Motion made by Member Swenson and seconded by Member Bennett to adopt Resolution No. 2009-97, set public hearing of December 15, 2009, for Pamela Park neighborhood street reconstruction Improvement No. BA-360 and West 70th Street roadway improvements, Improvement No. BA-367.

Motion carried on rollcall vote – five ayes.

RE-APPOINTMENTS MADE VARIOUS BOARDS & COMMISSIONS Following discussion, **Member Bennett made a motion, seconded by Member Housh, to approve the following re-appointments for three year terms ending 02/01/2013 unless otherwise noted: Art Center Board-William McCabe; Board of Appeals and Equalization-Jeff Johnson, Craig Johnson, Kenneth Sorteberg, and Gordon Tuchenhausen (one year terms ending 2/1/2011); Construction Board of Appeals-Sean Wenham; Energy and Environment Commission-Germana Paterlini, Bill Sierks, Paul Thompson; Heritage Preservation Board-Joel Stegner; Human Rights and Relations Commission-John Cashmore, Ralph Overholt; Park Board-Keeya Steel; Planning Commission- Michael Fischer, Arlene Forrest, Julie Risser; East Edina Housing Foundation-Jack Rice.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

APPOINTMENT MADE EDINA COMMUNITY HEALTH COMMITTEE Mayor Hovland recommended the appointment of Alan Lifson to the Community Health Committee. **Member Bennett made a motion, seconded by Member Brindle, endorsing the Mayor’s recommendation for**

Minutes/Edina City Council/November 17, 2009

appointment of Alan Lifson to the vacancy on the Edina Community Health Committee for a term ending February 1, 2010.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***WIRELESS AGREEMENT APPROVED WITH MINNETONKA** Motion made by Member Swenson and seconded by Member Bennett approving a wireless agreement with the City of Minnetonka for installation of a wireless link to LOGIS.

Motion carried on rollcall vote – five ayes.

REVISED BUILDING ELEVATION APPROVED FOR HELMUTH & JOHNSON LAW OFFICE AT 8050 WEST 78TH STREET Mr. Teague presented the request of the Helmuth & Johnson Law Office for a revised building elevation to accommodate rooftop equipment. The Council discussed the type and color of material that would be used and indicated it would have preferred to receive both renderings so a direct comparison could have been made. **Member Brindle made a motion, seconded by Member Swenson, approving the revised building elevation for Helmuth & Johnson Law Office at 8050 West 78th Street, conditioned on the rooftop enclosure material and color being consistent with the top course of the building.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Swenson and seconded by Member Bennett approving payment of the following claims as shown in detail on the Check Register dated November 5, 2009, and consisting of 27 pages: General Fund \$130,037.36; Communications Fund \$1,527.18; Police Special Revenue \$14,135.38; Working Capital Fund \$74,576.63; Construction Fund \$104.66; Art Center Fund \$4,248.23; Golf Dome Fund \$1,356.47; Aquatic Center Fund \$856.38; Golf Course Fund \$2,824.21; Ice Arena Fund \$972.97; Edinborough/Centennial Lakes Fund \$19,784.26; Liquor Fund \$132,890.45; Utility Fund \$67,830.23; Storm Sewer Fund \$50,507.90; PSTF Agency Fund \$4,286.66; **TOTAL \$505,938.97** and for approval of payment of claims dated November 12, 2009, and consisting of 28 pages: General Fund \$90,741.95; CDBG Fund \$450.00; Communications Fund \$521.18; Police Special Revenue \$150.00; Working Capital Fund \$85,792.52; Art Center Fund \$816.83; Golf Dome Fund \$834.67; Aquatic Center Fund \$605.00; Golf Course Fund \$28,986.41; Ice Arena Fund \$25,560.07; Edinborough/Centennial Lakes Fund \$8,925.09; Liquor Fund \$301,086.93; Utility Fund \$378,704.71; Storm Sewer Fund \$408.76; Recycling Fund \$37,077.90; PSTF Agency Fund \$3,740.04; **TOTAL \$964,402.06**; and, Credit Card Transactions dated September 26, 2009 – October 26, 2009; **TOTAL \$2,873.63**.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, December 1, 2009.

James B. Hovland, Mayor

Video Copy of the November 17, 2009, meeting available.